S.B. CIVIL MISC. APPEAL NO.863/2006
[Smt. Ganga Devi Vs. Union of India and others]

DATED :06.07.2006.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. S.S. Jodha for the appellants.

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Having heard learned counsel for the appellants and having perused the impugned award dated 24.05.2005 made by the Motor Accident Claims Tribunal [Special Court, SC/ST (Prevention of Atrocities) Cases], Jodhpur in Claim Case No. 169/2005, this court is satisfied that this appeal by the claimants, seeking enhancement over the amount of Rs. 4,87,064/- awarded by the Tribunal as compensation on account of accidental death of Bhopal Ram, husband of the appellant No.1, father the appellants No. 2 to 5 and son of the appellant No. 6, remains absolutely bereft of substance and deserves to be dismissed without being admitted.

While taking up quantification of compensation, the Tribunal observed that the deceased was 59 years of age and was earning net salary of Rs. 15,119/- while working as C.W.M.I. with Northern Railway; that after his death the claimant No. 1 was receiving Rs. 8056/- as family pension and after providing for personal expenditure of the deceased, the estimated loss of contribution stands at Rs. 4709/- per month,

i.e., Rs. 56,508/- per annum. Looking to the age of the claimants and the deceased the Tribunal applied a multiplier of 8 and thereby calculated pecuniary loss at Rs.4,52,064/- The Tribunal also awarded Rs.10,000/- as funeral expenses and Rs. 15,000/- as loss of consortium to the claimant No.1 and Rs10,000/- as loss of services and company to the claimant No. 6. The Tribunal has, therefore, made an award of Rs. 4,87,064/- in favour of the claimants and has further allowed them interest @ 9% per annum from the date of filing of the claim application. Of course, the amount of compensation has been awarded only to the wife and mother of the deceased treating other claimants as disentitled being not the dependants of the deceased.

Having examined the considerations adopted by the Tribunal and the award in its totality, to say the least, this Court is constrained to observe that the award is definitely on higher side and does not call for upward revision. The appellants seek to contend that looking to the salary income of the deceased, the Tribunal has taken the loss of contribution at lower side. The submission is not correct. Even if the basis for taking the multiplicand at Rs. 56,508/- per annum remains questionable, the fact remains that the deceased was 59 years of age and reduction in the salary income was imminent. Then, other children being not dependant on him, deceased was likely to spend more upon himself. Then, choice of multiplier of

8 cannot be said to be inadequate; rather in the overall fact situation, it remains on the higher side. Further more, the Tribunal has proceeded to award Rs. 10,000/- towards funeral expenses; and Rs. 15.000/- and Rs. 10,000/- respectively to the wife and mother of the deceased towards non-pecuniary compensation. The amount so awarded is also on higher side. Yet further, the Tribunal has not restricted itself even on the rate of interest and awarded the same @ 9% per annum.

Having regard to overall facts and circumstances of the case, the appeal by the claimants for enhancement over such a liberal award remains wholly meritless.

There is no ground to admit this appeal and the same is, therefore, dismissed summarily.

[DINESH MAHESHWARI], J.

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